

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

United States of America,

Case Number: 14 – 4407

Plaintiff,

MOTION FOR EXTENSION OF TIME TO  
FILE OPENING BRIEF AND JOINT APPENDIX

vs.

Denzel T. Shivers,

Defendant.

The Defendant, Denzel T. Shivers (“Shivers”), hereby moves the court to suspend the time within which to file the opening brief and appendix in this matter to allow counsel to order and review the March 6, 2014 transcript, and in support hereof, states as follows:

1. The opening brief and joint appendix are due on August 28, 2014.
2. In the course of reviewing the April 17, 2014 sentencing hearing transcript, counsel learned that the court and Shivers’ trial counsel had a prior hearing, or discussion, on March 6, 2014 in which certain issues that may impact Shivers’ sentencing and plea appear to have taken place.
3. Counsel was previously unaware of the existence of any other transcripts other than the April 17, 2014 sentencing hearing, and plea and Rule 11 hearing, as the docket entry for March 6, 2014 is entitled “Set Sentencing Hearing . . . .”
4. As counsel has a duty to review all of the attendant transcripts in this matter, the briefing schedule should be suspended in order to allow the March 6, 2014 transcript to be produced for counsel.
5. This is the first request for an extension of time.
6. Counsel for the government, Ms. Amy Ray, consents to this request for an extension of time.

WHEREFORE, counsel for Shivers respectfully requests that the Court grant this motion.

This the 31<sup>st</sup> day of July, 2014August, 2014.

**s/John J. Cacheris**

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John J. Cacheris

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Attorney for Defendant

**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing pleading has been served electronically via the Western District of North Carolina's electronic filing system.

This the 31st day of July, 2014.

**s/John J Cacheris**\_\_\_\_\_

John J Cacheris

**Served on:**

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